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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA,**

**1:23-cv-00582-MO**

**Plaintiff,**

**v.**

**MOTION FOR WRIT OF ENTRY**

**TWO (2) REAL PROPERTIES  
(DEFENDANT REAL PROPERTIES),  
LOCATED IN JOSEPHINE COUNTY,  
STATE AND DISTRICT OF OREGON  
WITH BUILDINGS,  
APPURTENANCES, AND  
IMPROVEMENTS, *in rem*,**

**Defendants.**

The United States has filed a Complaint *in rem* for Forfeiture of two real properties, with buildings, appurtenances, and improvements, commonly known as:

**Subject Property 1**- Property ID R327419 and R3274192: 1530 Thompson Creek Road Selma, Oregon

Commencing at the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 21, Township 38 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon; thence South along the West line of said Northeast Quarter of the Southwest Quarter, 270.13 feet, more or less, to the Northeasterly line of Thompson Creek Road; thence Southeasterly along said line, 309.2 feet, more or less, to a point which bears 525 feet South

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from the North line of said Northeast Quarter of the Southwest Quarter for the true point of beginning; thence East, parallel to the North line of said Northeast Quarter of the Southwest Quarter to the centerline of Thompson Creek; thence Southerly along said centerline to the Northerly right of way line of said Thompson Creek Road; thence Northerly along said right of way line to the true point of beginning. LESS AND EXCEPT all that portion lying Southerly of the following described line; Commencing at the Southeast corner of the Northeast Quarter of the Southwest Quarter of Section 21, Township 38 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon; thence North along the East line of said Northeast Quarter of the Southwest Quarter, 220 feet 8 inches; thence North 65 degrees 13' 00" East to the centerline of Thompson Creek for the true point of beginning of said line; thence South 65 degrees 13' 00" West to the Northeasterly right of way line of Thompson Creek Road for the terminus of said line.

And

**Subject Property 2-** Property ID R328253 and R3282532: 1100 Panther Gulch Road Williams, Oregon

A parcel of land in the Southeast Quarter of Section 2, Township 39 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 2; thence along the West line of said Southeast Quarter of the Southeast Quarter, North 30.00 feet to the North right of way line of Panther Gulch Road, which is the true point of beginning; thence along said West line North 1290 feet to the Southeast 1/16 corner; thence West 1320 feet to the center South 1/16 corner; thence North 1320.00 feet to the center Quarter corner; thence East 2640.00 feet to the East Quarter corner; thence along the East line of said Southeast Quarter South 1235 feet, more or less, to a point 1405.00 feet North of the Southeast corner of said Southeast Quarter; thence parallel to the South line of said Southeast Quarter, West 1260.00 feet, more or less, to a point 60.00 feet East of the West line of the East Half of said Southeast Quarter; thence parallel to said West line, South 1375.00 feet to the North right of way line of Panther Gulch Road; thence West 60.00 feet back to the true point of beginning.

Based upon the Complaint *in rem* for Forfeiture, the United States respectfully moves this Court for a finding of probable cause and a Writ of Entry for the defendant real properties.

The United States does not request authority from the Court to seize the defendant real properties at this time. The United States will, as provided by 18 U.S.C. § 985(b)(1) and (c)(1):

1. post notice of the Complaint on the defendant real properties;
2. serve notice of this action on the owner of the defendant real properties along with a copy of the Complaint;
3. execute a Writ of Entry for the purpose of conducting an inspection, inventory and testing for hazardous materials on the properties; and

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4. record a *lis pendens* notice in the county records of the defendant real properties' status as a defendant in this civil *in rem* forfeiture action.

The United States will also, as provided in 19 U.S.C. § 1606, appraise the defendant real properties.

Title 18, United States Code, Section 985(c)(3) provides that, because the United States will post notice of the Complaint on the defendant real properties, it is not necessary for the Court to issue an arrest warrant *in rem*, or to take any other action to establish *in rem* jurisdiction over the defendant real properties.

Therefore, the United States requests, under 18 U.S.C. § 985(b)(2), and under 18 U.S.C. § 983(j), which permits the Court to “take any other action to . . . preserve the availability of the property subject to civil forfeiture,” that the Court issue the proposed Writ of Entry filed herewith authorizing the United States Marshal or his designee, to enter the defendant real properties, including any structures, on one or more occasions during the pendency of this civil *in rem* forfeiture action for the purpose of conducting an inspection and inventory, appraisal and testing for hazardous materials which may include still and video photography, and to be accompanied on any such occasion by any government or contract personnel.

DATED: April 20, 2023

Respectfully submitted,

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United States Attorney

s/ Katherine C. De Villiers  
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Assistant United States Attorney